

AMENDED IN SENATE JUNE 4, 2013  
AMENDED IN ASSEMBLY MARCH 21, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 789**

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**Introduced by Assembly Member Williams**  
**(Coauthor: Assembly Member Maienschein)**  
(~~Coauthor: Senator~~ *Coauthors: Senators Hill and Leno*)

February 21, 2013

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An act to amend Section 4004 of, *and to add Section 54.2 to*, the Fish and Game Code, relating to trapping.

### LEGISLATIVE COUNSEL'S DIGEST

AB 789, as amended, Williams. Trapping.

Existing law, except as expressly provided, makes any violation of the Fish and Game Code, or any rule, regulation, or order made or adopted under that code, a misdemeanor. Existing law makes certain actions relating to trapping unlawful.

The bill would revise a prohibition on using a specific type of trap, and would make it unlawful to kill any trapped mammal by listed methods. By specifying these new Fish and Game Code violations, thereby defining new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 54.2 is added to the Fish and Game Code,  
2     to read:  
3     54.2. “Managed wetland area” means an artificially irrigated  
4     and managed wetland habitat administered primarily for the benefit  
5     of waterfowl or other wetland-dependent species.  
6     ~~SECTION 1.~~  
7     SEC. 2. Section 4004 of the Fish and Game Code is amended  
8     to read:  
9     4004. It is unlawful to do any of the following:  
10    (a) Use a *steel-jawed leghold trap*, or use any trap with  
11    saw-toothed or spiked jaws.  
12    (b) ~~Use or sell leghold steel-jawed traps with a spread of 5 ½~~  
13    ~~inches or larger without offset jaws. a body-gripping trap, as~~  
14    ~~defined in subdivision (a) of Section 3003.1, for the purpose of~~  
15    ~~recreation or commerce in fur.~~  
16    (c) ~~Use steel-jawed traps larger than size 1 ½ or with a spread~~  
17    ~~larger than 4 ¾ inches for taking muskrat.~~  
18    ~~(d)~~  
19    (c) Set or maintain traps ~~which~~ that do not bear a number or  
20    other identifying mark registered to the department or, in the case  
21    of a federal, state, county, or city agency, bear the name of that  
22    agency, except that traps set pursuant to Section 4152 or 4180 shall  
23    bear an identifying mark in a manner specified by the department.  
24    No registration fee shall be charged pursuant to this subdivision.  
25    ~~(e)~~  
26    (d) Fail to visit and remove all animals from traps at least once  
27    daily. If the trapping is done pursuant to Section 4152 or 4180, the  
28    inspection and removal shall be done by the person who sets the  
29    trap or the owner of the land where the trap is set or an agent of  
30    either.  
31    ~~(f)~~  
32    (e) (1) ~~Use a steel leghold trap with a spread exceeding 7 ½~~  
33    ~~inches or conibear trap that is larger than 6 inches by 6 inches,~~  
34    unless partially or wholly submerged in water. Unless prohibited  
35    by the department as a permit condition, a lawfully set conibear

1 trap that is 10 inches by 10 inches or less may be set in a managed  
2 wetland area.

3 (2) When any conibear trap is set on publicly owned land or  
4 land expressly open to public use, ~~there shall be a sign posted~~  
5 ~~containing the following language in lettering that is a minimum~~  
6 ~~of three inches high and visible from a distance of 100 feet:~~  
7 ~~Danger! Keep Dogs Out! Lethal Traps Set for Wildlife. signs shall~~  
8 ~~be posted at every entrance and exit to the property indicating the~~  
9 ~~presence of conibear traps and at least four additional signs posted~~  
10 ~~within a radius of 50 feet of the trap, one in each cardinal~~  
11 ~~direction, with lettering that is a minimum of three inches high~~  
12 ~~stating: "Danger! Traps Set For Wildlife. Keep Dogs Out." Signs~~  
13 ~~shall be maintained and checked daily.~~

14 ~~(g) Set or maintain steel leghold traps within 30 feet of bait~~  
15 ~~placed in a manner or position so that it may be seen by any soaring~~  
16 ~~bird. As used in this subdivision, "bait" includes any bait composed~~  
17 ~~of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.~~

18 ~~(h) Set or maintain steel leghold traps with a spread of 5 ½~~  
19 ~~inches or larger without a tension device.~~

20 ~~(i)~~

21 (f) Kill any trapped mammal in accordance with this section by  
22 intentional drowning, injection with any chemical not sold for the  
23 purpose of euthanizing animals, or thoracic compression,  
24 commonly known as chest crushing. This subdivision shall not be  
25 construed to prohibit the use of lawfully set conibear traps set  
26 partially or wholly submerged in water or set in a managed wetland  
27 ~~habitat~~ area for beaver or muskrat or the use of lawfully set colony  
28 traps set in water for muskrat.

29 ~~SEC. 2.~~

30 SEC. 3. No reimbursement is required by this act pursuant to  
31 Section 6 of Article XIII B of the California Constitution because  
32 the only costs that may be incurred by a local agency or school  
33 district will be incurred because this act creates a new crime or  
34 infraction, eliminates a crime or infraction, or changes the penalty  
35 for a crime or infraction, within the meaning of Section 17556 of  
36 the Government Code, or changes the definition of a crime within  
37 the meaning of Section 6 of Article XIII B of the California  
38 Constitution.

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